

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re: THEODORA L. STRASSBURG)	Case No. 22-42690-169
)	Chapter 13
)	
Debtor(s)/Movant(s))	Motion No. ____
)	
Diana S Daugherty et al)	Motion to Retain Use of
)	Proceeds and Notice
Respondent(s))	
)	Hearing to be Held on November 9, 2023
)	at 9:00AM in Courtroom 7 South

MOTION TO RETAIN AND NOTICE

NOTICE

THIS MOTION, APPLICATION OR OBJECTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, APPLICATION OR OBJECTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY.

YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 14 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION, APPLICATION OR OBJECTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU.

IF YOU OPPOSE THE MOTION, APPLICATION OR OBJECTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE OF WHICH WILL BE SENT TO YOU IF YOU FILE A RESPONSE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION, APPLICATION OR OBJECTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

MOTION

COMES NOW Debtor, by and through the attorney, and for this motion state(s) as follows:

- 1) Debtor filed for relief in the above captioned Chapter 13 bankruptcy proceeding and subsequent to filing Debtors' circumstances have changed in that:
 - a) The Debtor's 2017 TOYOTA PRIUS was involved in an auto accident on or about September 23, 2023.

- 2) The vehicle described above has been declared a total loss and was covered by insurance with information as follows: COUNTRY FINANCIAL INSURANCE, \$19,236.00 to be paid out by insurance company.
- 3) Debtor anticipates receiving the following net proceeds from the above, after payment of all valid liens against the same including any attorney fees:
 - a) **A NET TOTAL OF \$14,559.04;**
 - b) **A copy of the settlement statement, if any, will be forwarded to the Trustee under separate cover.**
- 4) As of the date of this motion, Debtor is substantially current in plan payments.
- 5) Debtor proposes to use the funds as follows:
 - a) \$14,559.04 for the purchase of a new vehicle and titling of the new vehicle.
 - b) **TOTAL EXPENDITURES: \$14,559.04 leaving**
 - i) **\$0.00 to be paid to the Chapter 13 Trustee**
 - ii) **\$14,559.04 to be retained by the Debtor(s)**
- 6) The foregoing expenditures were not previously budgeted for.
- 7) The expenditures are reasonable and necessary because Debtor needs a replacement vehicle and does not want to incur debt to finance a vehicle.
- 8) Debtor states:
 - a) The Plan as currently funded is expected to pay \$1,133.17 or 2.0% to general unsecured creditors:
 - b) The Plan is required to pay:
 - i) \$0.00 to general unsecured creditors OR
 - ii) 0.00% to general unsecured creditors.
 - c) According to Debtor's(s)' calculations the Plan:
 - i) is feasible and will fund as required by law
- 9) Debtor states copies of any bills, repair estimates, or other documents related to the above described expenditures are being forwarded to the Chapter 13 Trustee under separate cover and are available as an exhibit upon request pursuant to Local Rules.
- 10) Debtor seeks to retain the funds in the amounts and for the purpose(s) as indicated above with any remaining balance of the fund(s) as indicated to be paid to the Trustee in addition to the regular plan payments and with the plan base increased accordingly and distributed pursuant to the Chapter 13 Plan.

Wherefore the Debtor prays the Court enter its order sustaining this motion and for such other relief as may be just and proper.

RESPECTFULLY SUBMITTED,
CONSUMER LAW CENTER OF ST. LOUIS

/s/ David Nelson Gunn
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on October 20, 2023 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, address to those parties listed below on October 20, 2023.

CONSUMER LAW CENTER OF ST. LOUIS

/s/ Rachelle Strong
Rachelle Strong, Paralegal
generalmail@thebkco.com

Diana S Daugherty
Chapter 13 Trustee
PO BOX 430908
St Louis MO 63143

All Creditors on the Attached Matrix.

BJC HealthCare
PO Box 653060
Dallas, TX 75265

Capital One
Attn: Bankruptcy
P.O. Box 30285
Salt Lake City, UT 84130

Cavalry Portfolio Services
Attn: Bankruptcy
500 Summit Lake Drive, Suite 400
Vahalla, NY 10595

Cavalry SPV I, LLC
c/o David J. Page
707 N. 2nd Street, Ste. 306
Saint Louis, MO 63102

Chase Card Services
Attn: Bankruptcy
P.O. 15298
Wilmington, DE 19850

Discover Financial
Attn: Bankruptcy
Po Box 3025
New Albany, OH 43054

Fed Loan Serv
Pob 60610
Harrisburg, PA 17106

Gary J. Barrett
12410 Cantrell Rd. Ste. 100
Little Rock, AR 72223

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Missouri Department of Revenue
Bankruptcy Unit
PO Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Portfolio Recovery Associates, LLC
Attn: Bankruptcy
120 Corporate Boulevard
Norfolk, VA 23502

Resurgent Capital Services
Attn: Bankruptcy
Po Box 10497
Greenville, SC 29603

Sls/equity
Attn: Bankruptcy
8742 Lucent Blvd.
Highlands Ranch, CO 80129

SSM Health
P.O. Box 776236
Chicago, IL 60677-5907

Toyota Financial Services
Attn: Bankruptcy
Po Box 8026
Cedar Rapids, IA 52409

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